

Robert P. Goe - State Bar No. 137019  
Brandon J. Iskander – State Bar No. 300916  
**GOE FORSYTHE & HODGES LLP**  
17701 Cowan Avenue, Suite 210, Building D  
Irvine, CA 92614  
[rgoe@goeforlaw.com](mailto:rgoe@goeforlaw.com)  
[biskander@goeforlaw.com](mailto:biskander@goeforlaw.com)

Telephone: (949) 798-2460  
Facsimile: (949) 955-9437

Attorneys for Huntington Beach Gables Homeowners Association

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

In re:

JAMIE LYNN GALLIAN,

Debtor.

Case No. 8:21-bk-11710-ES

Chapter 7

**HUNTINGTON BEACH GABLES  
HOMEOWNERS ASSOCIATION’S  
JOINDER TO TRUSTEE’S REPLY IN  
SUPPORT OF APPLICATION TO  
EMPLOY REAL ESTATE BROKER**

Hearing Date: September 13, 2022

Time: 10:30 a.m.

Courtroom: 5C

The Huntington Beach Gables Homeowners Association (“HOA”) hereby files its Joinder to the Chapter 7 Trustee’s (“Trustee”) Reply in Support of Application to Employ Real Estate Broker [Docket No. 218] (“Reply”). The HOA is a substantial creditor of the Debtor, having obtained judgments against her in excess of \$300,000 plus interest. In addition to the arguments raised by the Trustee in the Reply, the HOA notes that a debtor generally lacks standing to object to the employment of a professional by the Trustee. See 11 U.S.C. § 327(c) (“In a case under chapter 7 . . . of this title, a person is not disqualified for employment under this section . . . unless there is objection by another creditor or the United States trustee . . .”). The Ninth Circuit has recognized one limited exception to the lack of standing of a debtor to object to employment applications, which is when the case is expected to have a surplus payable

1 to him/her. *See Duckor Spradling & Metzger v. Baum Trust (In re P.R.T.C., Inc.)*, 177 F.3d 774,  
2 778 n.2 (9th Cir. 1999); *see also In re Barnes*, 2013 Bankr. LEXIS 2876, \*17 (Bankr. D. Or.  
3 July 16, 2013) (interpreting same). However, Debtor admitted on her bankruptcy petition that  
4 the case was not expected to be a surplus case. (See Petition, Docket No. 1, at 6 (“Do you  
5 estimate that after any exempt property is excluded and administrative expenses are paid that  
6 funds will be available to distribute to unsecured creditors?”, “No.”).) As such, Debtor lacks  
7 standing to object to the employment of a broker.

8 Further, assuming arguendo that the Debtor ever could have standing to object to the  
9 employment of a professional, Debtor has not demonstrated why the application does not  
10 comply with Bankruptcy Rule 2014, which is the only rule apparently applicable to whether an  
11 application and order of employment can be granted. Pursuant to Bankruptcy Rule 2014, the  
12 Trustee is only required to *state* certain facts, which the Trustee has done. The Trustee has  
13 stated the specific facts necessitating the employment, i.e., the fact that 16222 Monterey Lane,  
14 Space #376, Huntington Beach, CA 92649 (“Property”) is non-exempt. The Trustee has stated  
15 the name of the persons to be employed and the reason for the selection. The Trustee has stated  
16 the professional services to be rendered. Finally, the Application is accompanied by a statement  
17 of disinterestedness. Therefore, the Application satisfies Bankruptcy Rule 2014 and  
18 employment is authorized under Section 327 of the Bankruptcy Code.

19 For the reasons set forth in the Reply and herein, the HOA respectfully requests that the  
20 Court grant the Application.

21  
22 Dated: September 7, 2022

Respectfully submitted by

23 **GOE FORSYTHE & HODGES LLP**

24 By: /s/ Robert P. Goe  
25 Robert P. Goe  
26 Brandon J. Iskander  
27 Attorneys for Huntington Beach Gables  
28 Homeowners Association

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan Street, Suite 210, Irvine, CA 92614

A true and correct copy of the foregoing document entitled (*specify*): **HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION'S JOINDER TO TRUSTEE'S REPLY IN SUPPORT OF APPLICATION TO EMPLOY REAL ESTATE BROKER** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) September 7, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Aaron E DE Leest** adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com
- **Robert P Goe** kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com
- **Jeffrey I Golden (TR)** lwerner@go2.law, jig@trustesolutions.net;kadele@go2.law
- **D Edward Hays** ehays@marshackhays.com, ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com
- **Brandon J Iskander** biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **Eric P Israel** eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com
- **Laila Masud** lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com
- **Mark A Mellor** mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- **Valerie Smith** claims@recoverycorp.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) September 7, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jamie Lynn Gallian  
16222 Monterey Ln Unit 376  
Huntington Beach, CA 92649

Janine Jasso  
PO Box 370161  
El Paso, TX 79937

Michael D Poole  
Feldsott & Lee  
23161 Mill Creek Dr Ste 300  
Laguna Hills, CA 92653

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:**

(*state the method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) September 7, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Erithe A. Smith, USBC, 411 West Fourth Street, Santa Ana, CA 92701
- (SUSPENDED DUE TO COVID-19 PROTOCOLS)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

September 7, 2022  
Date

Susan C. Stein  
Printed Name

/s/Susan C. Stein  
Signature